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 PROPERTY OWNERS ASSOCIATION

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10 ADRIAN RISKIN,

11 Petitioner,

12 vs.

13 DOWNTOWN LOS ANGELES PROPERTY
 OWNERS ASSOCIATION,

14 Respondent.

Case No. BS174792

**RESPONDENT LOS ANGELES
 PROPERTY OWNERS ASSOCIATION'S
 VERIFIED ANSWER TO PETITION FOR
 WRIT OF MANDATE**

*(Assigned to the Hon. Amy D. Hogue,
 Department 86)*

Complaint Filed: 08/15/2018
 Discovery Cutoff: None Set
 Motion Cutoff: None Set
 Trial Date: None Set

19 Pursuant to California Civil Procedure Code §§ 431.10, *et seq.*, Respondent Los Angeles
 20 Downtown Property Owners Association asserts that it has properly and timely responded to the
 21 California Public Records Act requests made by Petitioner, and hereby Answers the Petition for
 22 Writ of Mandate as follows:

23 1. On information and belief, as to Paragraph 1, Respondent admits that the Petition
 24 purports to enforce the California Public Records Act, but denies Petition's characterization of the
 25 BID, its role, and any claim that it seeks to evade its obligations under the California Public
 26 Records Act. To the extent the allegations constitute legal argument or legal conclusions, no
 27 response is required. Accept as herein admitted, Respondent denies.

28 2. On information and belief, as to Paragraphs 2 and 3, Respondent denies.

1 3. On information and belief, as to Paragraph 4, to the extent the allegations constitute
2 legal argument or legal conclusions, no response is required.

3 4. On information and belief, as to Paragraph 5, Respondent admits that Petitioner
4 blogs, and that he is a member of the public. To the extent the allegations constitute legal
5 argument or legal conclusions, nor response is required. Except as herein admitted, Respondent
6 denies and/or lacks sufficient information to admit or deny, and therefore, Respondent denies.

7 5. On information and belief, as to Paragraphs 6, 7, 8, 10, 17, and 23, Respondent
8 admits.

9 6. On information and belief, as to Paragraph 9, Respondent admits that the Petition
10 purports to raise as issues CPRA requests dated May 17, 2017, July 7, 2017, and July 31, 2017,
11 but Respondent denies untimely or improper responses thereto. Except as herein admitted,
12 Respondent denies.

13 7. On information and belief, as to Paragraph 11, Respondent denies an untimely or
14 improper response to any CPRA request. To the extent the allegations constitute legal argument or
15 legal conclusions, no response is required.

16 8. On information and belief, as to Paragraph 12, to the extent the allegations
17 constitute legal argument or legal conclusions, no response is required. Respondent denies an
18 untimely or improper response to any CPRA request, but admits that no email requested from Mr.
19 Chatoff were produced. Except as herein admitted, Respondent denies.

20 9. On information and belief, as to Paragraph 13, to the extent the allegations
21 constitute legal argument or legal conclusions, no response is required. Respondent denies an
22 untimely or improper response to any CPRA request. Except as herein admitted, Respondent
23 denies.

24 10. On information and belief, as to Paragraph 14, to the extent the allegations
25 constitute legal argument or legal conclusions, no response is required. Respondent admits that
26 Petitioner took the position that he could instruct Board members to refrain from deleting their
27 private emails, and that no response was warranted or made. Except as herein expressly admitted,
28 Respondent denies.

1 11. On information and belief, as to Paragraph 15, to the extent the allegations
2 constitute legal argument or legal conclusions, no response is required. Respondent denies an
3 untimely or improper response to any CPRA request, or that any responsive records existed.
4 Except as herein expressly admitted, Respondent denies.

5 12. On information and belief, as to Paragraph 16, Respondent admits it did not
6 produce any emails in response to the request, but denies an untimely or improper response to
7 Petitioner's CPRA request. Except as herein admitted, Respondent denies.

8 13. On information and belief, as to Paragraph 18, Respondent admits that it contracted
9 with UPC to provide services related to the BID's renewal, and that Petitioner has quoted from
10 some but not all of the terms of the contract. To the extent the allegations constitute legal
11 argument or legal conclusions, no response is required. Except as herein admitted, Respondent
12 denies.

13 14. On information and belief, as to Paragraph 19, Respondent admits that it timely and
14 properly responded to the request, although the Respondent denies that Petitioner fully and
15 properly quoted the response. Except as herein admitted, Respondent denies.

16 15. On information and belief, as to Paragraph 20, to the extent the allegations
17 constitute legal argument or legal conclusions, no response is required. Respondent admits it
18 timely and properly responded to the request. Except as herein expressly admitted, Respondent
19 denies.

20 16. On information and belief, as to Paragraph 21, to the extent the allegations
21 constitute legal argument or legal conclusions, no response is required. Respondent denies an
22 untimely or improper response. Except as herein expressly admitted, Respondent denies.

23 17. On information and belief, as to Paragraph 22, to the extent the allegations
24 constitute legal argument or legal conclusions, no response is required. Respondent admits it did
25 not produce an email in response to this particular request. Except as herein expressly admitted,
26 Respondent denies.

27 18. On information and belief, as to Paragraph 24, to the extent the allegations
28 constitute legal argument or legal conclusions, no response is required. Respondent denies an

1 untimely or improper response, but admits that no record was produced. Except as herein
2 expressly admitted, Respondent denies.

3 19. On information and belief, as to Paragraph 25, to the extent the allegations
4 constitute legal argument or legal conclusions, no response is required. Respondent admits that
5 Petitioner refused to accept the response of Petitioner to the CPRA request, but denies Petitioner's
6 characterization of the communications relating thereto, or that any response to Petitioner's
7 communications was required. Except as herein admitted, Respondent denies.

8 20. On information and belief, as to Paragraph 26, Respondent admits that Petitioner
9 accused Petitioner of wrongdoing. Except as herein admitted, Respondent denies.

10 21. On information and belief, as to Paragraph 27, Respondent admits the quoted
11 language was contained in a response to Petitioner, but denies it contains the whole of the
12 response. Except as herein admitted, Respondent denies.

13 22. On information and belief, as to Paragraph 28, Respondent admits that Petitioner
14 continued to email regarding the CPRA request, including his thinly-veiled threat of criminal
15 prosecution. Except as herein admitted, Respondent denies.

16 23. On information and belief, as to Paragraph 29, Respondent admits it produced no
17 emails responsive to Petitioner's specific request.

18 24. On information and belief, as to Paragraph 30, Respondent incorporates its
19 response to the Paragraphs reference therein.

20 25. On information and belief, as to Paragraphs 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,
21 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60, to the extent the
22 allegations constitute legal argument or legal conclusions, no response is required. Except as
23 herein admitted, Respondent denies.

24 26. On information and belief, as to Paragraph 47, this Paragraph repeats previous
25 allegations and the response thereto above is incorporated herein.

AFFIRMATIVE DEFENSES

27. The Petition is barred by the doctrine of laches.

28. The Petition is barred by the doctrine of unclean hands.

29. Records sought are exempt from disclosure under the California Public Records Act.

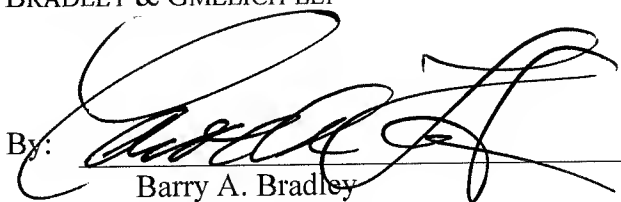
30. The public interest served by not disclosing certain records clearly outweighs the public interest served by disclosing.

THEREFORE, Respondent requests from this Court the following:

1. That the Petition be denied;
2. That Petitioner taking nothing from this action;
3. That this Court affirmatively state that Respondent complied with the CPRA;
4. That Respondent be awarded its costs of suit and attorneys' fees.

Dated: September 19, 2018

BRADLEY & GMELICH LLP

By: 

Barry A. Bradley
Carol A. Humiston

Attorneys for Respondent, LOS ANGELES
PROPERTY OWNERS ASSOCIATION

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VERIFICATION**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing RESPONDENT LOS ANGELES PROPERTY OWNERS ASSOCIATION'S VERIFIED ANSWER TO PETITION FOR WRIT OF MANDATE and know its contents.

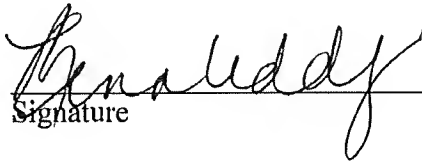
I am the Executive Director of the Los Angeles Property Owners Association. The matters stated in the foregoing document are true based on information and belief, and as to those matters I believe them to be true.

Executed on September 19, 2018, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Rena Leddy

Print Name of Signatory


Signature

BRADLEY & GMELICH LLP

PROOF OF SERVICE

**Adrian Riskin vs. Downtown Los Angeles Property Owners Association
Case No. BS174792**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 700 North Brand Boulevard, 10th Floor, Glendale, CA 91203-1202.

On September 19, 2018, I served true copies of the following document(s) described as **RESPONDENT LOS ANGELES PROPERTY OWNERS ASSOCIATION'S VERIFIED ANSWER TO PETITION FOR WRIT OF MANDATE** on the interested parties in this action as follows:

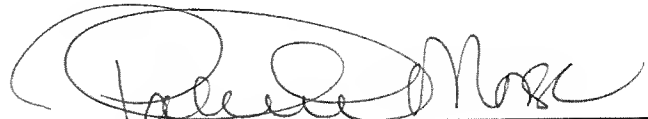
Karl Olson, Esq.
Cannata, O'Toole, Fickes & Almazan, LLP
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Plaintiff, ADRIAN RISKIN

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Plaintiff, ADRIAN RISKIN

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Bradley & Gmelich LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 19, 2018, at Glendale, California.



Patricia J. Morse